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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,609	08/04/2000	Lawrence W. Yonge III	04838-062001	2611

26161 7590 05/13/2003

FISH & RICHARDSON PC
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BOSTON, MA 02110

EXAMINER

KWOH, JASPER C

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 05/13/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/632,609

Applicant(s)

YONGE III ET AL.

Examiner

Jasper Kwoh

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 17, 19-24, 38 and 40-44 is/are rejected.
- 7) ☒ Claim(s) 4-16, 18, 25-37 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Specification

2. The disclosure is objected to because of the following informalities: application numbers such, as ones on pages 12-13 should be updates when such information becomes available.

Appropriate correction is required.

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-3, 17, 22-24, 38 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (US006192397B1) in view of Choi (US 5,745,769).

Regarding claims 1 and 22, Thompson discloses a method and program comprising having a first device (i.e. fig. 1, 105), which can be any of the plurality of peer devices (i.e. col. 3, ll. 55-54), exchange messages with a second device (i.e. fig. 1, 110), which can be any one of the plurality of peer devices (i.e. col. 3, ll. 55-54), over

Art Unit: 2663

the medium using CSMA service (i.e. col. 3, ll. 60-65; the Ethernet network uses IEEE802.3 standards) to establish a session of contention-free intervals within the CSMA service for use by the first and second devices for contention-free traffic between devices (i.e. fig. 4, two devices are designated as master and slave). Thompson teaches that the master controls the slave timing through the transmission of the clocking signal (i.e. fig. 5), but does not specifically disclose having the first device determine when the transmission can occur on the medium during contention-free intervals based on the exchanged messages. However, Choi teaches having the first device determine when the transmission can occur on the medium during contention-free intervals based on the exchanged messages (i.e. fig. 1, fig. 2, the master polls 10 the slave who is suppose to transmit 34 and that transmission occurs during that interval 38, transmits data). Therefore, it would have been obvious to an ordinary person skilled in the art at the time of the invention to include having the first device determine when the transmission can occur on the medium during contention-free intervals based on the exchanged messages as taught by Choi with the method and program of Thompson in order for the master to control the communication of the slave device. The motivation is to have a way to communicate between the devices once one device is determined to be master and other to be slave.

Regarding claims 2-3 and 23-24, Thompson discloses the first device is the master (i.e. fig. 4, 445) and the second becomes the slave (i.e. fig. 4, 450). Thompson does not specifically mention polling. It is inherent that master will be transmitting downstream and slave transmitting upstream. However, Choi teaches polling between

master and slave devices (i.e. col. 2, ll. 37-40). Therefore, it would have been obvious for an ordinary person skilled in the art at the time of the invention to include polling as taught by Choi with the method and program of Thompson in order for the master to control the communication of the slave device. The motivation is to have a way to communicate between the devices once one device is determined to be master and other to be slave.

Regarding claims 17 and 38, Thompson discloses the medium as a power line (i.e. fig. 1, Ethernet network include power lines).

Regarding claims 43 and 44, Thompson discloses a plurality of peer devices (i.e. fig. 1, 105, 110) represent less than all the communicating devices over the medium (i.e. fig. 1, 115, 120, etc. which also uses medium 150).

6. Claims 20-21 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson in view of Choi as applied to claims 1 and 22 above, and further in view of Ojard et al. (US006130894A).

Thompson does not specifically disclose that the payload is not likely to be heard and include control information including channel map index for decoding and demodulating. Ojard et al. teaches that header and payload are modulated differently. Therefore, it would have been obvious for an ordinary person skilled in the art to use different modulating techniques for header and payload as taught by Ojard et al. with the method and program of Thompson. The motivation is to simplify the complexity of the carrier sense and make the demodulation more error resistant. It is inherent to

include the necessary information in an index in order to transport it to the destination.

The motivation is to allow the destination to retrieve the transmitted information.

Allowable Subject Matter

7. Claims 4-16, 18-19, 25-37, and 39-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments with respect to claims 1-44 have been considered but are moot in view of the new ground(s) of rejection.

9. The newly cited references now show peer devices in a CSMA service establishing itself to contention-free intervals through the use of master/slave mode.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Quoc et al. (US006092214A) is cited to show NMMs having master/slave relationships to improve network performance and reliability;

b. Schmahl et al. (US 5,764,931) is cited to show passing bus mastership;

c. Moore (US 3,806,885) is cited to show polling mechanism for transferring control from one subsystem to another.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasper Kwoh whose telephone number is (703) 305-0101. The examiner can normally be reached on Monday-Friday.

Art Unit: 2663

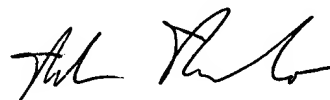
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703)308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.



JK
May 5, 2003

Jasper Kwok
Examiner
Art Unit 2663



MELVIN MARCELO
PRIMARY EXAMINER